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U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT

(S) AFFIDAVIT OF ADMIRAL MICHAEL S. ROGERS, UNITED STATES NAVY,
DIRECTOR, NATIONAL SECURITY AGENCY 2016 SEP 26 PM 12: 26

[REDACTED]

(S) DNI/AG 702(g) Certification [REDACTED]

(S) Pursuant to subsection 702(g)(2)(C) of the Foreign Intelligence Surveillance Act of 1978, as amended ("the Act"), and in support of DNI/AG 702(g) Certification [REDACTED], I affirm that the following is true and accurate to the best of my knowledge and belief:

1. (S//NF) There are reasonable procedures in place that the National Security Agency (NSA) will use to ensure that any acquisition under this certification is limited to targeting non-United States persons reasonably believed to be located outside of the United States. In addition, these targeting procedures are reasonably designed to prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States. These targeting procedures are attached herewith as Exhibit A.
2. (TS//SI//NF) As described below, NSA's acquisition of foreign intelligence information pursuant to this certification involves obtaining foreign intelligence information from or with the assistance of electronic communication service providers, as that term is defined in subsection 701(b)(4) of the Act.
3. (TS//SI//NF) NSA seeks to acquire foreign intelligence information at [REDACTED]

[REDACTED]

Derived From: NSA/CSSM 1-52

Dated: 20130930

Declassify On: 20410919

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- [REDACTED]
4. ~~(TS//SI//NF)~~ Furthermore, NSA seeks to acquire foreign intelligence information [REDACTED]
- [REDACTED]

5. ~~(TS//SI//NF)~~ Pursuant to the above-referenced certification, NSA seeks to acquire foreign intelligence information concerning [REDACTED]

[REDACTED] NSA believes that the non-United States persons reasonably believed to be located outside the United States who will be targeted for acquisition under this certification possess, are expected to receive, and/or are likely to communicate foreign intelligence information concerning [REDACTED] Thus, a significant purpose of this acquisition is to obtain:

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- (1) information that relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against --
 - a. actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
 - b. sabotage, international terrorism, or the international proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or
 - c. clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or
- (2) information with respect to a foreign power or foreign territory that relates to and if concerning a United States person is necessary to --
 - a. the national defense or the security of the United States; or
 - b. the conduct of the foreign affairs of the United States.

If NSA seeks to acquire foreign intelligence information concerning [REDACTED]

NSA may target under this certification non-United States persons reasonably believed to be located outside the United States who possess, are expected to receive, and/or are likely to communicate foreign intelligence information concerning [REDACTED], provided that NSA notifies the Attorney General and Director of National Intelligence within five business days of implementing such targeting. Such notification will include a description of the factual basis for NSA's determination that [REDACTED]

6. ~~(S//NF)~~ With respect to the information NSA acquires pursuant to the above-referenced certification, NSA will follow the minimization procedures attached herewith as Exhibit B.
7. ~~(S//SI//NF)~~ NSA may provide to the Central Intelligence Agency (CIA) unminimized communications acquired pursuant to the above-referenced certification. CIA will identify to NSA the targets for which NSA may provide unminimized communications to CIA. CIA will process any such unminimized communications received from NSA in accordance with the CIA minimization procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsection 702(e) of the Act.
8. ~~(S//SI)~~ NSA may provide to the Federal Bureau of Investigation (FBI) unminimized communications acquired pursuant to the above-referenced certification. The FBI will identify to NSA the targets for which NSA may provide unminimized communications to the FBI. The FBI will process any such unminimized communications received from NSA in accordance with the FBI minimization procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsection 702(e) of the Act.

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9. ~~(S//SI)~~ NSA may provide to the National Counterterrorism Center (NCTC) unminimized communications acquired pursuant to the above-referenced certification. The NCTC will identify to NSA the targets for which NSA may provide unminimized communications to the NCTC. The NCTC will process any such unminimized communications received from NSA in accordance with the NCTC minimization procedures adopted by the Attorney General, in consultation with the Director of National Intelligence, pursuant to subsection 702(e) of the Act.


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(U) I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of September, 2016.


MICHAEL S. ROGERS
Admiral, U.S. Navy
Director, National Security Agency

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